REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action dated June 10, 2005. In that Office Action, claims 1-11, 13 and 15-20 were examined, and all claims were rejected. More specifically, claims 1-11, 13 and 15-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Talluri et al. (USPN 5,961,606); and claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Talluri et al., and further in view of Provino et al. (USPN 6,535,929). Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, no claims have been canceled; no claims have been amended; and no new claims have been added. Therefore, claims 1-11, 13 and 15-20 remain present for examination.

Claim Rejections – 35 U.S.C. § 103

Claims 1-11, 13 and 15-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Talluri et al. (USPN 5,961,606).

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Talluri et al. Applicants respectfully traverse the section 103 rejections. The Examiner has failed to substantiate a prima facie case of obviousness because one or more of the requirements of a prima facie case is absent. Indeed, such a prima facie case can only be met when **all** of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves (or in the knowledge available to those skilled in the art) to combine the references; (2) there must be a reasonable expectation of success; and (3) the combined references must teach or suggest all the claim limitations. See MPEP §§ 706.02(j) and 2143.

Further, the Examiner is picking and choosing elements with no connection, which is impermissible hindsight. In In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780 (Fed. Cir. 1992), the Federal Circuit stated:

It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of prior art so that the claimed invention is rendered obvious. *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). This court has previously stated that "[O]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." (quoting *In re Fine*, 837 F.2d at 1075, 5 USPQ2d at 1600).

In this case, Admitted Prior Art (APA) in view of Talluri et al., does not describe all of the claim limitations of independent claims 1. Specifically, as to claim 1, the Examiner suggests that the Talluri reference teaches maintaining the memory segments as registered to allow the application program to perform another request. The Applicant submits that the Examiner has misread the reference. Talluri specifically states, "...the sending node can execute the Request Segment Recycle procedure 376, which initiates the process of enabling reuse of the segment." (Col. 16, lines 9-11) Applicant submits that using a recycle segment is very different than allowing the program to perform another request using the registered buffer as required in claim 1 of this disclosure. Invoking another procedure would slow the system further, while the present disclosure provides for speeding the processing. Furthermore, recycling a segment is clearly different than mere reusing a buffer. Talluri teaches what the present disclosure overcomes, namely reduction of system communication in the recycling of memory segments. Talluri teaches recycling a segment by a segment recycle procedure and related communication between the systems. The present disclosure teaches reusing, without "recycling" the segment and without the related communication between systems, thereby reducing communication traffic.

Applicant therefore submits that claim 1 of the present disclosure is allowable over the admitted prior art and the Talluri reference and respectfully requests it be allowed. Because claims 2-10 depend from allowable claim 1, Applicant submits they are allowable and respectfully asks they be allowed.

Claim 13

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Talluri et al. As amended, the Admitted Prior Art and the Talluri reference do not teach or suggest the request to de-register a buffer is explicitly made by an application program. The Talluri reference at col. 13, lines 38 - 41 may suggest the release of the segment by the sending node. This implies that a segment is released by the machine, and the kernel control. This is very different than the application program deregistering the buffer. As stated in the present disclosure at page 12, lines 3-9, "Thus, the application program can then access the work request queue, which relates directly to the registers of the host channel adapter, without going through the kernel interface module." This may reduce processing time related to deregistering a buffer, and is very different than if accomplished by the sending node.

The Examiner has argued that de-registering by a sending node of the prior art is equivalent to de-registering directly by the application program of the current disclosure. Again this explicitly states that the de-registering is accomplished by a machine ("node"). De-registering by the application program of the present disclosure is very different than de-registering by a machine, likely through the kernel interface, of the prior art.

The Examiner has admitted that the prior art does not teach the request to de-register a buffer is explicitly made by an application program (Office Action dated June 10, 2005. paragraph 29). The Examiner has submitted text from within the disclosure, which describes *an embodiment* for deregistering a buffer. The Applicant directs the attention of the Examiner to original claim 14 which claims the request to de-register a buffer is explicitly made by an application program, and to the specification which points out that the passage that the Examiner cited is "...*an embodiment..*" (emphasis added).

Therefore, Applicant therefore submits that current claim 13 of the present disclosure is allowable over the admitted prior art and the Talluri reference and respectfully requests it be allowed. Because claims 15 - 16 depend from allowable claim 13, Applicant submits they are allowable and respectfully asks they be allowed.

Claim 17

In this case, Admitted Prior Art (APA) in view of Talluri et al., does not describe all of the claim limitations of independent claims 17. Specifically, as to claim 17, the Examiner suggests that the Talluri reference teaches a maintenance module for maintaining a record of registered buffers. Nowhere does the admitted prior art or the Talluri reference teach or suggest a maintenance module for maintaining a record of registered buffers. Talluri may disclose a recycling (370) and exporting memory segments (350), however, Talluri does not teach or suggest a maintenance module for maintaining a record of registered buffers, as required by claim 17 of the present disclosure.

The Examiner has admitted no reference teaches a maintenance module (Office Action dated June 10, 2005. paragraph 29). The Examiner has merely stated that it would have been obvious to one skilled in the art. However, this is not enough to sustain a prima facie case of obviousness. The Examiner must provide a motivation to combine and must not use hindsight to take pieces of the prior art to find the elements of the present claim. Therefore the Applicants submit the Examiner has failed to make a prima facie case and has used improper hindsight to maintain the present rejection.

The Applicant submits that the maintenance module of the present disclosure is very different than the cited prior art. The prior art may accomplish similar functionality, but not the same. Furthermore, the Examiner has admitted that no reference teaches the maintenance module as claimed in the present disclosure. The Examiner has merely stated that it is obvious there is a software module to perform maintenance of the tables, etc. There is no teaching or suggesting in the prior art of a maintenance module that performs the tasks as claimed in the present disclosure. The prior art discloses the different functions being performed by different nodes, doing the different tasks. This is obviously very different than having a single module to accomplish these tasks, as required by claim 17 of the present disclosure.

Applicant therefore submits that claim 17 of the present disclosure is allowable over the admitted prior art and the Talluri reference and respectfully requests it be allowed. Because claims 18 - 19 depend from allowable claim 17, Applicant submits they are allowable and respectfully asks they be allowed.

Claim 20

In this case, Admitted Prior Art (APA) and Talluri, do not teach or suggest all of the claim limitations of new independent claim 20. Specifically, as to claim 20, Applicant submits that for the reasons that claim 1, claim 20 is also allowable. The Examiner has not made a prima facie case because the admitted prior art and Talluri do not teach or suggest all of the limitations of new claim 20. Specifically, neither the Admitted Prior Art (APA) nor Talluri teach or suggest maintaining the buffer as registered to allow the application program to perform another request using the registered buffer, as required by new claim 20. Applicant therefore submits that claim 20 of the present disclosure is allowable over the admitted prior art and the Talluri reference and respectfully requests it be allowed.

Claim 11

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Talluri et al., and further in view of Provino et al. (USPN 6,535,929). The applicant submits that the Examiner has not made a prima facie case of obviousness. Specifically, Admitted Prior Art, Talluri, and Provino do not teach or suggest either determining whether the buffer is registered, or allowing the application program access to the buffer to perform the request. Nowhere do the cited reference teach or suggest allowing the application program access to the buffer to perform the request. As stated above, the Talluri reference may suggest allowing the machine to access a segment, but not direct access by the application program. Furthermore, the Examiner submits that the Provino reference teaches using a lookup function by the register and deregister methods. The Applicant submits that the Provino reference states at co. 6, lines 62-67, "The data lookup functions provide services to lookup a registered *application by its ACII name...*" (emphasis added) Applicant submits this is very different than determining whether a *buffer* is registered, as required by claim 11 of the present disclosure. The Examiner has submitted that it would have been obvious to apply the teaching of Provino to avoid registering the same *application* twice. This is very different than determining if a buffer is registered, and utilizing that information to determine whether of not to user the buffer again. Furthermore, Applicant submits this is non-analogous art in that Provino is used in

registering applications for multitasking, whereas the present disclosure is directed to reducing system communications by the utilization of buffers.

The Examiner has argued that Provino teaches the register method using the lookup method to check whether "it" has been registered before. The "it" in Provino is an application program, not a buffer as in the present disclosure. The Examiner further argues that it would have been obvious to apply the teaching of Provino to avoid registering the application twice. This is very different than the present disclosure in that the lookup table is used to keep track of registered *buffers*, for *reutilization*, not application programs to avoid registering the application programs twice. Applicants submit that Provino, along with the other cited references, do not teach the all limitations of Claim 17 of the present disclosure. Furthermore, the Applicants submit the Examiner is misconstruing Provino, and Provino does not apply here. For these reasons, Applicant submits that claim 11 is allowable, and respectfully requests it be allowed.

Conclusion

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.
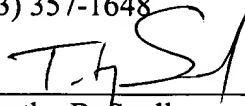
In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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